REMARKS/ARGUMENTS

Claims 2-6, 10-11, 13-17 and 21-22 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. Applicants thank the Examiner for indicating this allowable subject matter.

Claim rejections
35 USC § 103

Claims 1, 7-9, 12, 18-20 and 23-27 are rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Lortz (US Patent No. 6,505,243 B1) (hereinafter Lortz) in view of Beasley et al. (U.S. Patent No. 7,016,325 B2) (hereinafter Beasley). The Applicants respectfully traverse the rejection.

As per Claims 1, 7-9, 12 and 18-20:

Independent Claim 1 recites a limitation whereby an initiator device stores a list of recognized device addresses for connecting thereto, as claimed. Moreover, independent Claim 1 recites a limitation whereby the initiator device compares device addresses, as claimed. Independent Claim 1 further recites a limitation whereby a fitness function is applied to determine and connect to a single address corresponding to an access point device, wherein the fitness function defines an acceptable criteria for determining the single address, as claimed.

Lortz discloses that <u>on attachment</u>, an installation notification is transmitted to devices on the network (see Lortz, col. 4, line 67 to col. 5, line 1 and see Lortz steps 170 and 172 in Figure 3). Therefore, the installation notification is transmitted <u>after</u> a device is attached. Accordingly, Lortz' disclosure is directed to steps taken after a device is attached. Therefore, Lortz fails to teach or suggest an initiator device broadcasting a first wireless message to a plurality of potential access point devices <u>for connecting thereto</u>, as claimed.

Moreover, Lortz discloses that the notification can be broadcast to all devices on the network or to a specific subset (see Lortz, col. 5, lines 7-9). For example, the notifications are sent to a <u>central server</u>, which controls propagation of further notifications (see Lortz, col. 5, lines 6-9). Therefore, the central server broadcasts notification to devices on the network and not the initiator device, as claimed. As such, Lortz fails to teach or suggest <u>an initiator device broadcasting to a plurality of potential access point devices</u>, as claimed.

Moreover, as presented in the previous response filed by the Applicants on May 8, 2006, Lortz discloses that devices have configuration memories and after retrieving the remote data, a check is performed to determine if such local data is present (see Lortz, col. 7, lines 7-10). The local data is compared against the remote data and the local data is updated if needed (see Lortz, col. 7, lines 11-19). Configuration and remote data are not device addresses but are in fact

time zone identification, state information, or configuration selections (see Lortz, col. 2, lines 56-58). Accordingly, Lortz does not disclose nor does it suggest the initiator device <u>comparing device addresses</u>, as claimed.

The rejection further relies on Beasley to show the <u>initiator device</u> comparing device addresses, as claimed. The Applicants respectfully traverse in view of the following.

Beasley discloses a flow diagram illustrating generation of unique addresses for link context (see Beasley, col. 2, lines 53-55). Moreover, Beasley discloses upon reading the initialization file to determine the constraints, the base station unit (BSU) generates addresses within an acceptable range (see Beasley, col. 20, lines 5-15). The BSU broadcasts the generated address values and if no response from other BSUs are received, then the broadcasting BSU determines that the generated addresses are unique (see Beasley, col. 20, lines 16-26). Alternatively, if a response is received from a BSU, the broadcasting BSU removes the generated address values (see Beasley, col. 20, lines 27-29). Beasley further discloses that each BSU listens for such requests from neighboring BSUs and compares a received address with locally generated addresses to determine whether to send a response (see Beasley, col. 20, lines 29-36).

Accordingly, Beasley discloses that a base station unit compares the generated addresses. The Applicants do not understand the base station unit to be the same as a wireless initiator device seeking connection to a plurality of potential access point devices, as claimed. As such, Beasley fails to teach or suggest the initiator device comparing device addresses, as claimed.

Additionally, Lortz discloses that on installation of a minimally configured device into the network, an attachment of the device may be recognized (see Lortz, col. 2, line 66 to col. 3, line 3) and when attached to a network, the device acquires a network address (see Lortz, col. 3, lines 17-20) and a notification is transmitted (see Lortz, col. 4, line 67 to col. 5, line 1 and see Lortz steps 170 and 172 in Figure 3). Moreover, Lortz discloses that a check is performed to determine if such local data is present (see Lortz, col. 7, lines 7-10) and whether an update is needed (see Lortz, col. 7, lines 11-19). Configuration and remote data are not device addresses but are in fact time zone identifiers, state information, or configuration selections (see Lortz, col. 2, lines 56-58).

Accordingly, Lortz discloses that the device is attached first, and then an address is acquired and a notification is transmitted. Therefore, Lortz fails to apply a fitness function to determine and connect to a single address corresponding to an access point device, wherein the fitness function defines an acceptable criteria for determining the single address, as claimed because Lortz

teaches connecting without satisfying any fitness criteria, and acquiring address after the attachment.

The rejection admits that Lortz fails to disclose that <u>in response to the initiator device broadcasting the first message the initiator device receiving a plurality of second wireless messages from a set of the plurality of potential access point devices, wherein the set of the plurality of potential access point devices is defined by at least one physical characteristic</u>, as claimed. The rejection relies on Beasley to remedy this defect. The Applicants respectfully traverse in view of the following.

As discussed above, Beasley discloses the base station unit (BSU) generates addresses within an acceptable range (see Beasley, col. 20, lines 5-15), broadcasts the generated address values, and if no response from other BSUs are received, then the broadcasting BSU determines that the generated addresses are unique (see Beasley, col. 20, lines 16-26). If a response is received from a BSU, the broadcasting BSU removes the generated address values (see Beasley, col. 20, lines 27-29). Beasley further discloses that each BSU listens for such requests from neighboring BSUs and compares a received address with locally generated addresses to determine whether to send a response (see Beasley, col. 20, lines 29-36).

Accordingly, Beasley discloses that base station units send and receive generated addresses and responses. The Applicants do not understand the base station unit to be the same as the wireless initiator device, as claimed because the base station unit is already connected to the network whereas the initiator device is seeking to connect to a wireless network. Accordingly, Beasley fails to teach or suggest that in response to the initiator device broadcasting the first message the initiator device receiving a plurality of second wireless messages from a set of the plurality of potential access point devices, wherein the set of the plurality of potential access point devices is defined by at least one physical characteristic, as claimed.

Therefore, Lortz alone, or in combination with Beasley, does not teach or suggest the recited limitations of independent Claim 1. Accordingly, Claim 1 is not rendered obvious under 35 USC 103(a). Independent Claim 12 recites limitations similar to that of independent Claim 1 and is therefore patentable, under 35 USC 103(a), for the same reasons that Claim 1 is patentable. Dependent Claims 7-9 and 18-20 are patentable by virtue of their dependency. As such, allowance of Claims 1, 7-9, 12 and 18-20 is earnestly solicited.

As per Claims 23-27:

Independent Claim 23 recites a limitation whereby a list of current network access point addresses are compared to the list on the memory cache, as

claimed. Moreover, independent Claim 23 recites a limitation whereby <u>in</u> <u>response to said comparing, adding to the list of access point addresses in the</u> <u>memory cache</u> of the wireless communication device any addresses found on the list of current network access point addresses and not found on the list of access point addresses, and <u>deleting from the list of access point addresses in</u> <u>the memory cache</u> of the wireless communication device any addresses not found on the list of current network access point addresses and found on the list of access point addresses, as claimed.

Lortz discloses that when a minimally configured device is attached to a network, the device acquires a network address using the DHCP server or by self-assignment wherein self-assignment presumes that all devices use addresses from a predetermined pool and if no response is received the address is deemed available (see Lortz, col. 3, lines 12-34). The configuring device is responsible for coordinating activities of the device after address acquisition (see Lortz, col. 3, lines 34-45). Accordingly, Lortz teaches that the address is either assigned by the DHCP server or selected by the device itself wherein if no response is received the address is deemed available. Accordingly, Lortz fails to teach or suggest a wireless device <u>comparing</u> a list of current network access point addresses to the list on the memory cache, as claimed.

Moreover, Lortz discloses that there may be many network devices attached to the network (see Lortz, col. 2, lines 24-26) that may include traditional (e.g., computers) and nontraditional devices (e.g., a light bulb) (see Lortz, col. 2, lines 36-48). Lortz discloses that a minimal configuration for such devices includes a network interface for storing persistent configuration information such as a time zone identifier, state information, or configuration selections to boot the device, establish a connection and communicate with a configuring device for configuration assistance (see Lortz, col. 2, lines 53-64). The Applicants do not understand the addition of devices physically as described in Lortz to be the same as in response to the comparing, adding to the list any addresses found on the list of current network access point addresses and not found on the list of access point addresses, as claimed.

The rejection relies on Beasley in order to show that in response to the comparing, deleting from the list of access point addresses any addresses not found on said list of current network access point addresses and found on the list of access point addresses, as claimed. The Applicants respectfully traverse in view of the following.

As discussed above, Beasley discloses base station units sending and receiving generated addresses and responses. Moreover, Beasley discloses a picocellular communication network having one mobile unit communicating with

the network and having an apparatus comprising a stationary wireless network access point configured for receiving a wireless communication from the mobile unit, obtaining a unique session identifier for communicating with the mobile unit, establishing a communication link, determining whether the mobile unit is to be handed-off and handing-off the mobile unit (see Beasley, col. 28, lines 17-50).

The Applicants do not understand the base station unit to be the same as the wireless initiator device, as claimed and as discussed above. Moreover, Beasley fails to teach or suggest that in response to the comparing, deleting from the list of access point addresses in the memory cache of the wireless communication device any addresses not found on the list of current network access point addresses and found on the list of access point addresses, as claimed.

Therefore, Lortz alone, or in combination with Beasley, does not teach or suggest the recited limitations of independent Claim 23. Accordingly, the cited combination fails to render Claim 23 obvious, under 35 USC 103(a). Dependent claims are patentable by virtue of their dependency. As such, allowance of Claims 23-27 is earnestly solicited.

For the above reasons, Applicants request reconsideration and withdrawal of these rejections under 35 U.S.C. §103.
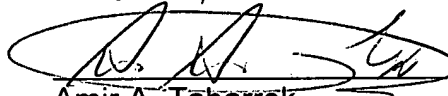
CONCLUSION

In light of the above listed remarks, reconsideration of the rejected claims is requested. Based on the arguments presented above, it is respectfully submitted that Claims 1, 7-9, 12, 18-20 and 23-27 overcome the rejections of record and, therefore, allowance of Claims 1, 7-9, 12, 18-20 and 23-27 is earnestly solicited.

Please charge any additional fees or apply any credits to our PTO deposit account number: 23-0085.

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Respectfully submitted,
WAGNER, MURABITO & HAO LLP

Amir A. Tabarrok
Registration No. 57,137

WAGNER, MURABITO & HAO LLP
Two North Market Street
Third Floor
San Jose, California 95113

(408) 938-9060 Voice
(408) 938-9069 Facsimile